



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Juan C. Parodi.

Attorney Docket No.: 9494.18128-Con2

Serial No.: 09/935,893

Examiner: Vy Q Bui

Filed: August 23, 2001

Group Art Unit: 3773

Title: Endovascular Prosthesis with Suture Holder

COMMENTS RE IMPROPER NOTICE OF ABANDONMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Final Office Action was mailed from the Examiner on October 22, 2007, setting a three month response period. Extensions of Time under 37 CFR 1.136(a) are allowed.

The period for response thus does not close until 6 months from the mailing date of the Final Rejection, i.e. April 22, 2008.

The Notice of Abandonment mailed on 9 April 2008 was issued before the statutory period for response expired. Please rescind the Notice of Abandonment and acknowledge the active status of this application. A response to the Final Rejection is submitted, timely, herewith.

Respectfully Submitted,

By

Daniel D. Ryan
Registration No. 29,243

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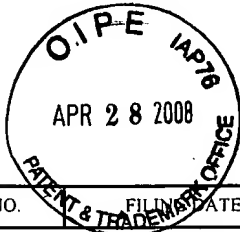
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,893	08/23/2001	Juan C. Parodi	203-2375 CON II	2012

26308 7590 04/09/2008
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MILWAUKEE, WI 53226

EXAMINER

BUI, VY Q

ART UNIT	PAPER NUMBER
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3773

MAIL DATE	DELIVERY MODE
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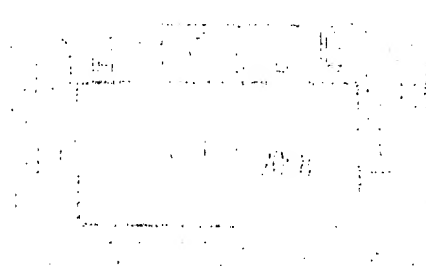
04/09/2008

PAPER



Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Notice of Abandonment

Application No.	Applicant(s)	
09/935,893	PARODI, JUAN C.	
Examiner	Art Unit	
Vy Q. Bui	3773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 October 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Vy Q. Bui/
Primary Examiner, Art Unit 3773

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

